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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION.NO. |
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| 09/940,038 | 08/27/2001 | Gheorghe Sorin Stan | NL000546 | 4397 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

ORTIZ CRIADO, JORGE L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2655

DATE MAILED: 03/25/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,038

Applicant(s)

STAN ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because in:

Figs. 2 and 8 descriptive labels should be provided.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita U.S.

Patent No. 5,222,086.

Regarding claim 1, Fujita discloses a method of recording at least one information unit on a record carrier having a recording track which comprises preformed track position information indicative of predefined locations for recording information units and a first one of said locations comprising an earlier recorded information unit (See Abstract; col. 1, line 63 to col. 2, line 56), said method comprising

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(a)generating a modulated signal representing the at least one information unit and (b) scanning the recording track and recording the modulated signal at a second one of said locations (See col. 2, line 59-67; Figs. 1,2),

characterized in that the method comprises

(c) in the event that the second one of said locations is after and adjacent to the first one of said locations, reading linking information from an end boundary area of said first one of said locations and using the linking information for logically generating the modulated signal (See col. 3, lines 40-61; Fig. 2).

Regarding claim 2, wherein the method comprises (d) in the event that the second one of said locations is before and adjacent to the first one of said locations, reading linking information from a begin boundary area of said first one of said locations and using the linking information for logically generating the modulated signal (Inherent to Fujita, the linking information at the beginning contains valid information and could be any information and contains the block synchronization, see col. 3, lines 16-39)

Regarding claim 3, Fujita discloses wherein the linking information comprises a last part of the earlier recorded information unit for presetting an error encoder (See col. 29-39; Fig. 1,2)

Regarding claim 4, Fujita discloses wherein the linking information comprises a first part of the earlier recorded information unit for, after writing the modulated signal, generating an additional modulated signal representing said first part and error correction words based on the at

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least one information unit and said first part, and recording the additional modulated signal in the begin boundary area (See col. 3, lines 29-39; col. 3, line 66 to col. 4, line 2; Figs. 1,2)

Regarding claim 5, Fujita discloses wherein the linking information comprises additional recording information, in particular CD subcode (See col. 3, lines 1-9; col. 3, lines 40-52; col. 4, lines 2-22).

Regarding claim 6, Fujita discloses wherein linking information is additionally recorded in the end boundary area after the data bytes of the at least one information unit (See col. 3, lines 29-39; col. 3, line 66 to col. 4, line 2; Figs. 1,2)

Regarding claim 7, Fujita discloses wherein the earlier recorded information unit is terminated by an end boundary area comprising said additionally recorded linking information, and the recording of the modulated signal starts by overwriting the end boundary area, or wherein said record carrier is of a write once type and the linking information includes dummy data bytes of a predefined value for allowing presetting an error encoder when recording a consecutive information unit (See col. 3, line 40 to col. 4, line 2; Figs. 1,2)

Regarding claims 8-10, Device claims 8-10 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-7. Therefore device claims correspond to method claims 1-7, and are rejected for the same reasons of anticipation as used above.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent no. 6,118,741 to Mimmagh et al., which discloses a method and device for recording information.
- b. U.S. Patent No. 6,252,838 to Kuroda et al., which discloses an information recording method and apparatus.
- c. U.S. Patent No. 6,628,584 to Heemskerk et al., which discloses an apparatus and method for linking information.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DORIS H. TO 3/20/04
SUPERVISORY PATENT EXAMINER
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